

Remarks:

Applicant has rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

The Objection To The Specification And The Claims Rejection Under 35 USC Section 112

The applicant has rewritten the claims to more directly point out the subject matter of the invention.

The Rejection Of Claims 1-4 Under 35 USC Section 102

Claims 1-4 were rejected as being anticipated by Lyons.

The applicant has rewritten claims 1,2 and 4 as new claim 17 to define patentability over Lyons.

The applicant request reconsideration of the rejection as now applicable to claim 17, for the following reasons:

1. The shape of the limbs combined with the strap that encircles them is not the same as the fastener assembly shown by Lyons.
2. The strap locking device is superior to the fastener system because it allows for quicker roll changes.
3. Although scale is not always relevant, the cost to reproduce the Lyons system large enough to un-roll barbed wire or similar products would prevent it from being feasible.

The applicant has rewritten claim 3 as new claim 18 to define patentability over Lyons. The applicant request reconsideration of the rejection as now applicable to claim 18, for the following reasons:

1. The tapered shape of the frame formed by two U-shaped limbs is drastically different from the shape used by Lyons.
2. It is not necessary that the limbs be flexible for the strap locking device to friction lock on the limbs. The applicant's invention utilizes rigid limbs whereas Lyons limbs are flexible.

3. The flexibility referred to by the statement "limbs flexibly connected at one end" refers to the handle assembly that must flex to allow the limbs to separate enough to change product rolls.
4. The applicant's invention utilizes a tapered frame comprised of two U-shaped limbs with each leg of the "U" or pintle being used for spacing. The length of each pintle is determined by the roll width. The length of each limb between the pintles being straight to facilitate the locking strap securing the device at various positions depending on the width of the product being dispensed.

The Rejection Of Claims 1-4 Under 35 USC Section 103

Claims 1, 4-5 and 8-9 were rejected as being unpatentable over Schick in view of Lyons.

The applicant has rewritten claims 1 and 4 as new claim 17. The applicant request reconsideration of the rejection as now applicable to claim 17, for the following reasons:

1. Schick clearly shows the invention as pivotally connected. No such pivot is required for the applicant's invention.
2. The applicant's invention does not require flexible limbs.
3. The ring indicated by Schick does not friction lock allowing different size rolls of product to be dispensed by the same device.
4. There is no justification in Lyons or Schick which suggest that these references be combined, much less be combined in the manner proposed. The bell shape of Lyons would not facilitate the ring of Schick and it would not friction lock the limbs to accommodate different spool widths.
5. The flexible limbs of Lyons would actually prevent the ring of Schick from securely locking (preventing separation) while product is lifted by grasping one limb. For an example of this lift, please refer to the product label enclosed over the caption "carry by hand".
6. If the combination of Lyons and Schick is obvious, why have they not been combined and marketed. If the applicant's invention was in fact obvious, because of its advantages, those skilled in the art surely would have implemented it by now.

The applicant has rewritten claim 5 as new claim 19. The applicant request reconsideration of the rejection as now applicable to claim 19, for the following reasons:

1. The locking strap may use one or more circles to secure the limbs as indicated on drawing #14.
2. When the multiple circular enclosure is used, the locking strap remains attached during the roll change and thus make the change quicker.

Conclusion:

The cited prior art of Lyons and Schick do not apply directly to the applicant's invention. The difference in physical size of these two inventions and the fact that their field of use is so far apart should prevent them from being used as combined prior art to reject the applicant's invention. None the less, the ring of Schick would not function with the flexible limbs of Lyons.

The applicant has attained commercial success with the invention in question. The applicant has included a product label and a copy of the purchase order for the units that the applicant has manufactured and shipped to The Tractor Supply Company. The applicant has shipped 492 units to The Tractor Supply Company to date.

Therefore it is submitted that patentable subject matter is clearly present. If the examiner agrees but does not feel that the present claims are technically adequate, applicant respectfully requests that the examiner write acceptable claims pursuant to MPEP 707.07(j).

Sincerely,


Richard Wayne McQuerry